

Committee of the Whole Report

July 12, 2016

The Committee of the Whole met Tuesday, July 12, 2016 at 6:00 p.m. in the Quorum Court Meeting Room, Benton County Administration Building, Third Floor, 215 East Central Avenue, Bentonville, Arkansas.

13 JPs Present: Sheridan, Shadlow, J. Harrison, Allen, Adams, Jones, Sandlin, Anglin, Chiocco, Leadabrand, Meyers, Moore, Moehring
2 JPs Absent: K. Harrison, Slinkard

Others Present: Assessor Linda Hambrick, County Judge Bob Clinard, Circuit Clerk Brenda DeShields, Circuit Judge Doug Schrantz, Circuit Judge John Scott, Comptroller Brenda Guenther, Human Resources Manager Barbara Ludwig, Captain Lynn Hahn, Director of Information Technology Eddie Mahar, Assessor-Elect Rod Grieve, Custodian Supervisor Sharon McDaniel, Administrator of Public Services Jay Frasier, Perkowitz+Ruth Architect James Damron, Cromwell Director of Finance & Development Dan Fowler, Planning Board Appointees J. Ashley Tucker, Bob Bracy, Terry Maienschein

Media: Tom Sissom – Northwest Arkansas Democrat-Gazette

Committee of the Whole chair JP Moore called the meeting to order at 6:06 p.m.

PUBLIC COMMENTS

None.

JP J. Harrison made a motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

1. Resolution Request Confirming the Re-appointment of J. Ashley Tucker to the Benton County Planning Board, Position No. 7; Sponsor: JP Jay Harrison

JP Moore read the resolution request by title only.

JP J. Harrison stated that this is a re-appointment by the County Judge to the Planning Board.

JP J. Harrison made a motion to approve this resolution request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Adams.

J. Ashley Tucker introduced himself and asked if the JPs had any questions for him.

JP Moore asked if this is his first term.

J. Ashley Tucker stated that this is currently his first term and the re-appointment would be his second term.

JP Moore asked if he filled an unexpired term.

J. Ashley Tucker stated that he served four years in a vacant seat that had been open for a while.

JP Moehring asked Mr. Tucker to provide a quick thirty-seconds on his background.

J. Ashley Tucker stated that, in the past year, he has re-entered professional practice. He worked for the firm of Hight-Jackson, and was a part of Harrison French & Associates. He enjoyed working on the Planning Board, he really felt like that helped him tie back to the community. He worked for Walmart and that caused him to be away from Arkansas for about the past two years. They successfully passed the new planning ordinance while he was Chairman of the Board and he enjoyed working on it.

JP Allen stated that he worked with Mr. Tucker on the Blue Book revision, he was impressed with his knowledge, and this re-appointment should be approved.

Motion passed by unanimous show of hands vote.

2. Resolution Request Confirming the Appointment of Robert D. Bracy to the Benton County Planning Board, Position No. 1; Sponsor: JP Jay Harrison

JP Moore read the resolution request by title only.

JP J. Harrison stated that this is another appointment from the County Judge to the Planning Board; he stated that this is a new appointment for Mr. Bracy.

JP J. Harrison made a motion to approve this resolution request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Sandlin.

JP Moore invited Bob Bracy to speak to the committee about his background.

Bob Bracy stated that he is a retired Senior Vice President of Superior Industries. He came to Arkansas in 1979 to build a plant in Fayetteville, AR. He stated that he has built many plants for Superior all over the world in Europe, Mexico and the United States. He has been a resident of Benton County for 18 years and is now retired.

JP Moore asked if Mr. Bracy lives inside the city or outside of it.

Bob Bracy said that he lives outside the city in the county.

Motion passed by unanimous show of hands vote.

3. Resolution Request Confirming the Appointment of Terry L. Maienschein to the Benton County Planning Board, Position No. 5; Sponsor: JP Jay Harrison

JP Moore read the resolution request by title only.

JP J. Harrison said that this is another new appointment to the Planning Board by the County Judge.

JP J. Harrison made a motion to approve this resolution request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Chiocco.

JP Moore invited Terry Maienschein to speak to the committee about his background.

Terry Maienschein stated that he has been a Benton County resident since 1969. He is a builder and designer of custom homes and has been doing that since 1974. He said that he was here when they first started the County Planning Commission and has been a part of it from the other side. He said that Glenn Tracy talked him into this and he would like to serve.

Motion passed by unanimous show of hands vote.

4. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) to Amend Schedule 4 – Personnel and Compensation Authorization by Adding Positions and Deleting Positions; and Changing Job Titles of Certain Positions in Various Funds and Departments; Sponsor: JP Barry Moehring

JP Moore read the appropriation ordinance request by title only.

JP Moehring said one of the things he would point out about this ordinance is that they have bunched together several positions that had different votes the other night at the Finance Committee meeting and he is concerned that they have been put together into one ordinance. He said that this is not exactly the way they voted on them at the Finance Committee because some of these requests were a lot more controversial than others.

After a brief discussion about the best way to proceed in splitting up the requests in the ordinance, JP Moore said that they could break it into three separate ordinances and that JP Moehring could bring forth the first motion.

JP Moehring made a motion to approve and forward all the requests listed on the ordinance except for the six Jailer I positions, the IT Support Specialist position, and the Welder/Mechanic II position, seconded by JP Jones.

JP Moehring stated that they went through a lot of requests at the Finance Committee meeting and these were the ones that were not controversial.

JP Jones added that these are basically the reorganizations with very little impact to this year's budget. The effect for this year's budget is zero and the total effect next year is \$20,000.

JP Adams raised questions about breaking these into three separate ordinances and this was briefly discussed.

JP Moore noted that most of the JPs were in favor in breaking them out into separate motions. He called for the vote on JP Moehring's motion.

Motion passed by unanimous show of hands vote.

JP Moehring made a motion to approve and forward the six Jailer I positions to the July 28, 2016 Quorum Court agenda, seconded by JP Jones.

JP Shadlow asked how many positions they originally asked for.

JP Sandlin stated that they are asking for six now and an additional six at budget time.

JP Allen added that they are paying for three positions with the current money they have now and the Quorum Court is going to fund new money with the reserves.

JP Jones said that these are the six jailers that they need to get up to speed for the new jail expansion; this is a need for this year and next year's budget impact is \$264,000.

Motion passed by unanimous show of hands vote.

JP Jones made a motion to approve and forward the IT Support Specialist position and the Welder/Mechanic II position to the July 28, 2016 Quorum Court agenda, seconded by JP Adams.

JP Jones stated that, as they discussed at the July 7th Finance Committee meeting, the Road Department has been requesting a welder for quite some time and the Quorum Court has prioritized other items in front of them. In regard to the IT Support Specialist position, he stated that they currently have four IT Support Specialists that go around fixing things in the entire county. He said that they asked IT Director Eddie Mahar to give a report about the size of Benton County's IT department versus that of Washington County at tonight's meeting. Director of Information Technology Eddie Mahar said that he was able to call Washington County and speak to the director. He said that they also compared the budgets for 2016. Looking at the bottom line, excluding capital dollars, the total difference in the IT costs is below \$500,000. Their IT initiatives and projects are focused differently. A lot of the IT costs are spread across different elected officials' budgets. He said that they have major initiatives in Benton County to go paperless; they are a shared service that touches every department in the county. He said that they have personnel in their department that help out in the key areas. This minimizes third party vendors coming in and having to outsource resources. They do a lot of sharing across the County and a lot of their technology is more complex than Washington County. The security level and the user base is about the same from Washington County to

Benton County. Benton County follows best practice or better for recommending and purchasing resources because, when they buy resources, they want to buy for longevity. They try to buy resources to last five-plus years. He does not know what Washington County does in this respect. He said that Collector Gloria Peterson came and spoke at the Finance Committee in support of this and that the expectation level of their service has improved tremendously since he has been in this office working for the County Judge. In the past, it has been two-four weeks of waiting for a resource to come help them on a project. Now they try to turn the resource around quickly within the same day; they try to do the best they can with the resources they have. He thinks these two positions that were brought up in the FY 2016 budget process and now at mid-year are warranted. He said that Washington County's building footprint is different than Benton County's as well. Benton County's facilities are very spread out. He said that they are always trying to save on monthly cost; they try to negotiate for better pricing and ask for options to find solutions for elected officials and their resources. He stated that this position was rated #1 at the Personnel Committee meeting and was rated at #5 or #8 during the FY 2016 budget process.

Circuit Clerk Brenda DeShields expressed her support for Eddie Mahar and his team. She said that in the past having technology was a want, but it is a necessity for their offices to run now. As they push to go paperless, they need support for that. In some counties, the elected officials have their own IT staff and that this could affect the comparison as these counties may have a different structure. She said that Benton County is on the leading edge for technology and she believes that the two positions are warranted.

JP Leadabrand asked for Eddie Mahar's report in a written statement that he could review later before the budget meetings start in the fall.

JP Moehring stated that Jay Frasier made a good case the other night for the Welder/Mechanic II position. He said that he understands that if you do not fix the grader, the grader does not run. However, he still has some issues with the IT Department's request. He said that he will go ahead and support it. However, he pointed out that, as they go into budget season, in FY 2013 their IT budget was about \$1.2 million and this will take it to \$2.3 million dollars. It will take them from 12 people to 16 people; this is significant growth and is substantially larger than other counties and municipalities around them. He said that he called down to Washington County and they are not structured that much differently than Benton County, even though there are a few differences. He said that he will support this because the positions are together and it is only for one IT Support Specialist instead of two. He said that it is very meaningful to him that the elected officials come to the meeting to support this.

JP Allen asked Eddie Mahar if he could find it in his budget so that they will not have to go into reserves.

Comptroller Brenda Guenther stated that he did, and that is the case for the Road Department request as well.

JP Allen stated he will support it for this reason, however, he believes that they should not do mid-year requests unless they can find the money in their budget for it.

JP Adams stated that he supports both positions. For the Road Department, being a businessman himself, if he has a broken piece of equipment, has no one to fix it, and has to hire an outside entity, it is a double-cost there. There is the cost of non-production for the people being paid to operate the equipment and the cost of having someone else fix it at a higher price. He said that Jay Frasier would not have asked for this position if it had not been asked for before and turned down. For the IT position, as technology changes, the County must keep up or they will be left behind. He supports the IT part of the motion, too.

Motion passed by unanimous show of hands vote.

JP Moore asked if they want to go ahead and combine the requests back into one ordinance since all the three were unanimous.

JP Moehring stated that he has no problem supporting that going into Quorum Court. He would add, however, that this discussion was important as they were passed from a different sub-committee with different votes. He said that they should have been broken up into separate sections but, going into Quorum Court, he does not have a problem with them being combined.

JP Sandlin made a motion to include all of these requests in one ordinance and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Anglin.

Motion passed by unanimous show of hands vote.

5. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Authorizing a Transfer of Funds between Categories and Line Items; Appropriating Additional Monies, and Authorizing Additional Expenditures in Various Funds and Departments; Sponsor: JP Barry Moehring

JP Moore read the appropriation ordinance request by title only.

JP Moehring said that this is the appropriation ordinance that goes with the previous personnel requests and reorganizations. He said that everybody who had a budget impact did a good job of finding a place for it, with the exception of the jailers; the jailers were a little more than the jail budget could take on right now.

JP Moehring made a motion to approve this appropriation ordinance request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Sandlin.

Comptroller Brenda Guenther noted a typographical error that in the first section of numbers on the ordinance - it should have read "418" all the way down the row; this will be corrected before the Quorum Court meeting on July 28th.

Motion passed by unanimous show of hands vote.

6. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0403, Circuit Court Division 4, Fund 1000; Sponsor: JP Joel Jones

JP Moore read the appropriation ordinance request by title only.

JP Jones stated that the Trial Court Administrator for Circuit Judge John Scott's division is retiring earlier than expected. The position is State-funded but he would like to bring someone in for two months to train before the Trial Court Administrator retires. He would have planned for it in the budget if the person had not decided to retire earlier than expected.

JP Jones made a motion to approve this appropriation ordinance request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Adams.

Circuit Judge John Scott announced that he was available for questions.

JP Leadabrand asked if two months is the customary amount of time it takes to train someone.

Judge Scott said that he has never had to do this before and he does not know what is customary. However, he said that the current Trial Court Administrator is going to work with her replacement for a month. The second month is the month that the State does not pick up payment until all the accrued vacation and sick time is paid out at one time; the new employee will be a County employee for two months and then a State employee.

Motion passed by unanimous show of hands vote.

7. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Dept & Maintenance, Fund 4000; Sponsor: JP Joel Jones

JP Moore read the appropriation ordinance request by title only.

JP Jones said he thought they were going to pull this out of the grant and asked if that is what this ordinance is doing.

Comptroller Brenda Guenther said that JP Tom Allen would speak to that.

JP Allen stated that he talked to Jay Allen about this today and that the Foundation is still reviewing this to see how they would determine how to spend it. They are pretty much relying on the recommendation from Hight-Jackson and Hight-Jackson did say that they do not think it should be spent out of the grant money. JP Allen felt that, after discussions with Jay Allen and

Brenda Guenther, the way that it is worded in this appropriation only designates the expense side of it so they can determine the revenue side later.

Brenda Guenther stated that they are adding cost to the courthouse even though it may not be reimbursable by the grant.

JP Allen said that, if by chance, they decide that they should fund this from the grant, they can come back with a revenue piece of legislation to designate that they can get some money from the grant, if they determine it is ok to do so. But right now it is good either way. He had some concerns and was going to discuss it and see if they should change it but he does not think it needs to be changed.

JP Jones said that this ordinance is an appropriation of \$40,000 to do some exterior electrical work on the courthouse that would enable the Christmas lights and lighting for events like First Friday. He said that it is the County's building, they are a part of downtown, and he feels like they need to participate in that. The other portion of this appropriation is to provide extra security during the renovation of the courthouse. The discussion in the Finance Committee was about how close they are to the end of the grant financing; this would put it on the razor's edge of going over. They are going with the recommendation of Hight-Jackson to pay for it out of the County's funds and, if there are additional funds from the grant later, they can appropriate it as revenue.

JP Jones made a motion to approve this appropriation ordinance request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Chiocco.

JP Meyers asked if there was something about window trimmings included in this \$40,000.

JP Jones said that, from the recommendation of the Prosecuting Attorney and Hight-Jackson, the window trimmings would be historically appropriate and so they would be paid for out of the grant. Landscaping was also included in what is being paid for by the grant. They want to get the exterior electrical work done before they do the landscaping so it needs to be done now.

Motion passed by unanimous show of hands vote.

8. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) to Amend *Schedule 1 – Revenues by Fund* by Authorizing a Transfer from County Collector, Fund 1801 to Collector Automation, Fund 3001; and Authorizing a Transfer between Categories and Line Items; and Authorizing Additional Expenditures Listed Herein; Sponsor: JP Barry Moehring

JP Moore read the appropriation ordinance request by title only.

JP Moehring stated that this appropriation is money that Collector Gloria Peterson would like to use out of her automation fund for a folding machine to get the tax statements out. He said that they have a machine that is nearly worn out and that there is no impact on the General fund.

JP Moehring made a motion to approve this appropriation ordinance request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

9. Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Departments 0400 & 0418, County Sheriff & Jail, Fund 1000; Sponsor: JP Joel Jones

JP Moore read the appropriation ordinance request by title only.

JP Jones stated that this appropriation is insurance monies for an accident involving a sheriff's deputy to replace the vehicle and repair the jail gate.

JP Jones made a motion to approve this appropriation ordinance request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Chiocco.

JP Anglin asked if anyone was hurt in the accident.

Captain Lynn Hahn said that Lt. Harold Gage was on his way home and had a very bad accident. It was a rainy afternoon and a young female crossed the center line and hit him head on. He was off work for three-four weeks and she broke both of her legs. He said that the jail gate damage was unrelated to the accident; it was due to lightning.

Motion passed by unanimous show of hands vote.

10. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Departments 0400 & 0418, County Sheriff & Jail, Fund 1000; Sponsor: JP Barry Moehring

JP Moore read the appropriation ordinance request by title only.

JP Moehring stated that this appropriation is \$1,600 for random drug testing at the Sheriff's Office for the remainder of this year.

JP Moehring made a motion to approve this appropriation ordinance request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

11. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Dept & Maintenance, Fund 4000; Sponsor: JP Jerry Sheridan

JP Moore read the appropriation ordinance request by title only.

JP Sheridan said that this appropriation is for Phase II of the Justice Facility Needs Assessment which is site evaluation and conceptual study. He said that he would like to apologize to the other JPs. As they already know, he was appointed this year to this position. He has tried to bring himself up to speed on this issue by reading the minutes, but not being able to discuss it with the other JPs has made it very difficult. He said that they had a lengthy discussion about this at the July 7th Finance Committee meeting. Basically, they were looking at four locations – one at 14th street and three downtown. The motion and vote ended up being for three sites - two downtown and one at 14th street. Upon thinking about it further, he wishes they had voted to study all four locations, nevertheless, he would like to move forward with it.

JP Sheridan made a motion to approve this appropriation ordinance request and forward it to the July 28, 2016 Quorum Court agenda, seconded by JP J. Harrison.

JP Anglin stated that her concern about that third site is that they have never really had discussion about it amongst all the JPs. She thinks it is worthy to have some more discussion about it because they may be limiting the analysis of all the possibilities.

JP Allen said that he is concerned because they know they have control over all of the sites that they are considering with this motion. For the one site they have left out, they have not been given permission from the property owners to consider it. He said that this is the most level site and could possibly be deemed the least expensive site downtown, but he feels that they will get an educated idea of what it might cost just by studying the other two sites.

JP Anglin asked if they could explore it at all.

JP Allen said that they could if the committee wishes to do that and asked about the cost.

JP Jones said that it is \$27,250 for each additional site which would bring the total to \$205,250.

JP Adams asked if this includes the reimbursable expenses.

JP Jones said, yes, that it is the total amount.

JP Sheridan said that, to add the site to study downtown is \$27,250, and this is a lot of money. However, building a facility downtown could cost \$30 million and so this is a small amount relative to the total cost.

JP Sheridan made a motion to amend his previous motion to add a third site to be considered downtown, thereby adding \$27,250 to the original appropriation, seconded by JP Sandlin.

JP Leadabrand asked what the three sites downtown are.

JP Allen said Dave Peel Park, G2, and the courthouse addition.

JP Jones stated that putting a building on top of the park might be the cheapest site downtown, but he is concerned about the moms with strollers being upset about losing the park. The other concern is that the County does not own it. The size is also an issue as the park is the smallest site unless they take the whole block; they would then have to get all of the buildings that are currently there. He does not think that it will ultimately prove cost effective to build on that site. However, he stated that it is \$27,250 and, if the court wants to look it, he will support it.

JP Adams said that he thinks they need to study the three sites. He said that the south site with Dave Peel Park is going to amount to about 95,000 sq. ft. of buildable area. The G2 site is somewhere around 85,000 sq. ft. and the courthouse site is 97,000 sq. ft. They already own the 97,000 sq. ft. at the courthouse and that will be a big price difference. They own the 14th street site, as well. He said it is good to study all the sites but his preference is to build at the existing courthouse on property they already own.

JP Anglin said, by looking at all of the sites, they can eliminate the park site for sure so that, if they do have to go to the voters to get funding, they can say that they have done an extensive review of the potential sites.

JP Sheridan said that this is his reasoning for adding the third site. He said that the City of Bentonville has made it clear that they want the courthouse to stay downtown. He would hope that the City would consider allowing the County to take that site if it is determined to be the best site.

JP Allen said that they would find a replacement site for the park; they will not just take it away. They will have to talk to the stakeholders of those properties. He asked if adding another site adds time to the process.

Dan Fowler said that they can keep the same schedule if they just add one site.

JP Moehring said anything affecting the City of Bentonville should be done as a partnership. He said that adding that site means that there is a whole other set of variables, not the least of which is that the County does not own it. He is concerned that the City of Bentonville be involved in this process.

JP Moore said that this would have the caveat that the site is available.

JP Moehring said that, if they are going to analyze that site, they need to get the City's blessing and partnership.

Judge Clinard said that they have talked to the City of Bentonville about the Dave Peel Park site. He said that he is not going to speak for the City of Bentonville but they are open to discussing that site. He said that his personal opinion is that they might prefer that site. They have talked to them and they are agreeable to that site as a potential site for the courthouse. There are a lot of things to discuss like parking, traffic, etc. but it is a good possibility. As far as moving the park, he has heard that they could move the park to a different site downtown.

JP Allen said that, for those who were not at the Public Safety Committee and Finance Committee meetings, it is important that everyone know more about the process before they vote. He said there are going to be various meetings to take place so the JPs will be in sync

throughout the whole process.

Dan Fowler said that the current plan is to have three workshops along the way. The first will dive in to confirming the sites to look at. They will also be looking at physical parameters and what they are testing at each of the sites. He said they will also be looking at parking needs. There are different needs downtown versus 14th street. Lastly, at that first workshop, they will determine the priorities beyond the basic function of building the new facility, what they are trying to achieve, and rank those priorities. They will work with the group to do the final evaluation of each of the sites, plug that information into a matrix to rank the sites, and develop a consensus on the best site.

Further discussion was held about the process and what will be included in the study.

JP Moore called for the vote to amend the motion.

Motion to amend the motion, passed by unanimous show of hands vote.

JP Moore called for the vote on the original motion, as amended to include the additional site.

Amended motion passed by unanimous show of hands vote.

OTHER BUSINESS

None.

ANNOUNCEMENTS

After a brief discussion about possible dates, JP Jones announced a Public Safety Committee meeting on Monday, August 15, 2016. He stated that they will discuss the parameters of the Phase II part of the program so that, when they get to the first workshop with the architectural team, they will have already discussed it. He asked that the JPs please send any questions they have to the Quorum Court Coordinator to be placed on the meeting's agenda.

PUBLIC COMMENTS

None.

ADJOURNMENT

JP Moore declared the meeting adjourned at 7:31 p.m.